

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

TIMOTHY MALLORY,

Plaintiff,

v.

CIVIL ACTION NO: 1:11-0894

CAPITAL ONE BANK (USA), N.A.,

Defendant.

STIPULATION OF DISMISSAL WITH PREJUDICE

Under Fed. R. Civ. P. 41(a)(1)(A)(ii), Plaintiff Timothy Mallory and Defendant Capital One Bank (USA), N.A., through counsel, hereby stipulate to the immediate dismissal **with prejudice** of all claims asserted in the above-entitled action.

Plaintiff,
Timothy Mallory

Defendant,
Capital One Bank (USA), N.A.

/s/ Paul W. Roop, II
Paul W. Roop, II
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Counsel for Plaintiff

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Counsel for Defendant

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CERTIFICATE OF SERVICE

I, Paul W. Roop, hereby certify that this document filed through ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this date.

Dated: April 15, 2013

/s/ **Paul W. Roop, II**